

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

The Development of Operational,)
Technical and Spectrum Requirements)
For Meeting Federal, State and Local)
Public Safety Agency Communication)
Requirements Through the Year 2010)

WT Docket No. 96-86

Establishment of Rules and)
Requirements for Priority)
Access Service)

COMMENTS OF
FLORIDA POWER AND LIGHT COMPANY

The Florida Power and Light Company ("FP&L"), by its attorneys and pursuant to Section 1.415 of the rules and regulations of the Federal Communications Commission ("FCC" or "Commission"), hereby submits these Comments in response to the invitation extended by the Commission's Second Notice of Proposed Rule Making ("Second NPRM") released in the above captioned proceeding on October 24, 1997.¹

¹ Second NPRM, FCC 97-373. A summary of the proposal was published at 62 Fed. Reg. 60,199 (November 7, 1997).

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Background

1. FPL is an electric power utility serving over seven million people in 35 counties across the State of Florida. This constitutes approximately half of the State's population. FPL's extensive service territory covers approximately 27,650 square miles, primarily along the eastern seaboard and southern third of the State. FPL provides power to residential, commercial, governmental and industrial customers. As such, FPL's operations affect virtually every aspect of daily life within its service territory, as well as the ability of the public safety and health services communities to deliver their critical services to the public.

2. In the Second NPRM, the Commission offers a wide range of important proposals relating to the 24 MHz of spectrum from the bands below 806 MHz that Congress, in the Balanced Budget Act of 1997, has committed to public safety services. Further, the Second NPRM asked for comment on important questions relating to the establishment of priority access service on commercial wireless systems for personnel carrying out national security and emergency preparedness functions, as well as for other public safety entities responding to emergency or disaster situations.

3. Specifically, the Commission requested input on whether participation in a Priority Access Service should be an obligation of wireless carriers or should be voluntary. Comments were solicited on whether the priority access service should have a formal prioritization structure, or whether a less formal, more flexible approach should evolve. The Commission asked whether the agency should prescribe rules for Priority Levels, rely on industry groups and governmental agencies to establish uniformly applied priority levels, or leave to wireless carriers themselves the decision to offer individual or customized priority levels, consistent with a single set of principles and criteria, to subscribers who demand priority access.

Comments

4. To the extent the Commission determines that a Priority Access Service should be established, be it on a voluntary or mandatory basis with respect to wireless carrier participation, FPL strongly emphasizes that electric utility communications must be guaranteed a priority within any such system.

5. In this connection, FPL notes favorably that the Cellular Priority Access Service (CPAS) proposal advanced by the National Communications System (NCS) includes Utilities, Public

Services and public welfare as a distinct priority level. The NCS recognizes that the provisioning of telecommunications to these functions is essential to emergency response activities.

6. In a similar manner, FPL notes that the FCC's Telecommunications Service Priority (TSP) system for national security and emergency preparedness telecommunications services includes a distinct category for activities related to public health, safety and maintenance of law and order. Within this category, public utility services are included as a national security and emergency preparedness "criteria," meriting the assignment of a priority level for provisioning and restoration during peacetime, crisis and mobilization.²

7. While the TSP system was ostensibly established solely for wireline communications networks, the TSP's "provisioning" principles, which include priority for electric utility communications systems, ought to be extended to any wireless system the FCC may consider. In light of FPL's reliance on mobile communications systems, the Company urges that should wireless networks be included in a Priority Access Service, then priority for electric utilities should be included as well. Such a course of action would bring obvious benefits to all

² The NSEP/TSP rules are set forth at 47 C.F.R. Part 64, Appendix A. See Section 12, NSEP TSP System Categories, Criteria and Priority Level, Para. 3(a)(v).

segments of the emergency preparedness community -- a community which, during an emergency, relies more than ever on the restoration, presence and maintenance of a reliable electric power supply.

Conclusion

8. **WHEREFORE, THE PREMISES CONSIDERED,** FPL urges the Federal Communications Commission to act consistently with the views expressed herein should the agency decide to propose or promulgate rules concerning Priority Access Service.

Respectfully submitted,

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